

**OLD ORCHARD BEACH PLANNING BOARD
Public Hearing and Regular Meeting Minutes
November 08, 2018 7:00 PM
Town Council Chambers**

CALL MEETING TO ORDER 7:00 PM

PLEDGE TO THE FLAG

ROLL CALL:

PRESENT: Vice Chair Win Winch, David Walker, Robin Dube, Marianne Hubert, Marc Guimond.

ABSENT: Chair Linda Mailhot, Mark Koenigs

STAFF PRESENT: Associate Planner Megan McLaughlin.

Public Hearings:

ITEM 1

Proposal: Conditional Use: Accessory Dwelling Unit

Owner: Michael and Karin Lavigne

Location: 9 Pond View Road, MBL: 105-4-42

Public Hearing opened at 7:00 PM.

There being no one speaking for or against the owner, the Public Hearing closed at 7:01 PM.

Approval of Minutes: 9/6/18, 10/04/18, 10/11/18

MOTION:

David Walker made a motion to approve all three (3) meeting minutes, seconded by Marc Guimond.

VOTE:

Unanimous.

Regular Business

ITEM 2

Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed sewer lines; Relocate proposed building G; Relocate and add stormwater pipes and catch basins; Proposed road retaining wall replaced with rip rap.

Action: Ruling on Amendment

Owner: KRE Properties Inc.

Location: Settlers Ridge Condo's, Ross Road, MBL: 103-1-5, RD

Associate Planner McLaughlin gave an update. The Planning Board reviewed and tabled this proposal at the last meeting while waiting for some comments from the applicant and have them coordinate with Wright Pierce. Wright Pierce provided an memo based on a conversation that they had with the applicant. Stephanie Hubbard provided the memo in 3 separate categories:

- **Items Requiring Feedback** – Final items that need to be discussed/confirmed with the Planning Board.
- **Outstanding Information** – Items that still need to be provided, some are awaiting final confirmation related to the items requiring feedback such as the Performance Guarantee and the PCSWMP.

- **General Plan/Construction** – Items that the Applicant and Wright Pierce can work through – they include plan notes/references such as how/what/type and details on specific items. There are also **Stormwater Model Review** items listed in the memo for WP to coordinate on with the Applicant

The most important items for the Planning Board to consider are the items requiring feedback. There are three primary feedback items.

The first item is a discussion on **porous pavement**. Staff has expressed concerns about the inclusion of porous pavement due to the large amount of maintenance required. Wright Pierce has also expressed concerns about the maneuverability of vehicles on the pavement which may cause ruts and maintenance issues. Attar Engineering has indicated that the Developer has used porous pavement on other projects in other communities and the maintenance requirements will be included in the PCSWMP that's provided to the HOA.

The developer stated that he has used porous pavement on other projects in other communities and has not had any issues with it. The maintenance requirements are also included in the Homeowners Association documents that they had received and it should also be included in the post construction Stormwater Management Plan and the annual certifications that the town received on the pavement itself.

The second item for the PB to consider is the **stormwater discharge location**. One of the discharge points is the northeast property line which may impact the adjacent property owner. Staff received an email stating that the developer is working with the abutter. Should the Applicant be responsible for coordinating with this property owner and reporting back to the PB?

The third item are a number of **dead-end parking spaces**. In order for residents to get out of the parking spaces, they are going to be required to make 4 point turns. Is this acceptable to the Planning Board?

There are some other items such as the sidewalk width and right title and interest for sewer connections. Staff received a draft easement from them.

Staff recommends that the Planning Board discuss the 3 feedback items with the applicant and let them make their final changes to the plan.

Brian Neilson from Adam Engineering here representing the owner King Weinstein introduced himself.

Vice Chair Win Winch stated that the Planning Board needs a plan modification and more detail added along with the 3 major points that the Associate Planner brought up.

Mr. Neilson talked about porous pavement. This has worked well on other properties and has experience on the maintenance and upkeep of porous pavement. Adam's Engineering has been working directly with Stephanie Hubbard from Wright Pierce to make the changes that she suggested such as the maneuvering in the parking lot and changes of the very edges of the parking lot to be porous pavement and the rest to be traditional pavement. They have completed that. Suggested several changes to the piping in the stormwater that goes under the road. They have done that as well.

They have also done some other changes to the plan that Stephanie Hubbard had mentioned in her memo.

Mr. Neilson stated that they have been attempting to contact the abutter however has not heard anything back from them but they will continue to do so.

The way that the stormwater discharge operates currently is that there is a natural swale that pushes a concentrated flow of stormwater onto the property now and our design will spread that out so that it will be less concentrated and a lower volume of flow during higher storm events. So the adjacent property owner will receive a lower rate of flow. This will be a distributed discharge.

Marc Guimond was asking about the 25 year storm and how that would be addressed.

Mr. Neilson stated that in case of emergency spill waste due to the low grading on the area, they added concrete structures with horizontal grates on the tops of them. Those grates are located just above the elevation of the 25 year storm event. So during higher year storm events, the water would go down into those instead of overtopping the pond and then flow out the culvert for the detention pond

Mark Guimond also mentioned about the pervious pavement and if this is used the town needs to be assured that it is being maintained. He would like to see a proposal that it is maintained every 6 months. How does the town get notified of this?

King Weinstein stated that they include this in the Homeowners requirements that this has to be done and there is an annual report that they have to file. They usually have the engineer go by and certify it once every year. Mr. Weinstein stated that he could send pictures to the Board Members.

Staff is looking into the other development that Mr. Weinstein has in Haverhill, MA which has been using porous pavement there to see how well it has held up.

Marc Guimond also expressed concerns about truck loads and will the plans say that this will support an H-20 loading?

Mr. Neilson stated that he will look into it and make sure that it does.

King Weinstein mentioned that all of the other developments that he has in town are traditional pavement.

Marc Guimond asked in regards to detention/retention ponds if these could be noted on the towns GIS system.

Mr. Neilson would like to emphasize that the only time 4 pt. turns be required would be when you have 4-19 ft. long vehicles in the M spaces. He would propose that just those 4 spaces be restricted to just compact car use and that would make it that you would just do a normal back out.

Marianne Hubert stated that some of those spaces are handicapped parking spaces, so he may want to re-think that.

Mr. Neilson stated that they can adjust the configuration.

Robin Dube was concerned with the Fire Department's concerns.

Mr. Neilson stated that he spoke to the Deputy Fire Chief and he wanted to see a hammerhead turn at the end and they discussed the configuration at the end. Also the parking lot has pretty much the same dimensions as a standard hammerhead turnaround and the Deputy Fire Chief stated that this was fine as long as they made sure that there was signage there for no snow dumping at the end and no parking as well as restricting the landscape on the corners so no trees block the ladder.

Marc Guimond asked the size of a parking stall.

Mr. Neilson stated 9 x 18.

All of Old Orchard Beach parking spaces are all the same size.

Win Winch expressed concern that applicants need to get their information in before the cutoff date which is 17 days before the regular meeting.

MOTION:

Marc Guimond made a motion to table this item without prejudice until the December Planning Board Meeting, seconded by **Robin Dube**.

VOTE:

Unanimous.

ITEM 3

Proposal: Conditional Use: Accessory Dwelling Unit

Action: Final Ruling

Owner: Michael & Karin Lavigne

Location: 9 Pond View Road, MBL: 105-4-42

The owners meet the requirement of their septic system.

Add as a condition that this will not be short term rental unit.

Vice Chair Win Winch went over Section 78-1240 Standards:

1. The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
2. The proposed use will not create or increase any fire hazard.

3. The proposed use will provide adequate off-street parking and loading areas.
4. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
5. The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
6. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
7. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
8. The proposed use will not adversely affect the value of adjacent properties.
9. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
10. The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
11. The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
12. The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

All Board Members were in agreement with these standards.

MOTION:

Robyn Dube made a motion to conditionally approve the Conditional Use Application for an Accessory Dwelling Unit at 9 Pond View Rd, MBL: 105-4-4. Conditions:

1. The most recent revised septic system shall be installed before occupancy of the ADU.
2. The ADU shall not be used for short-term rentals (31 days or less).
3. The ADU may only be rented for long-term use if the primary dwelling unit is owner occupied.
4. The Findings of Fact shall be recorded in the York County Registry of Deeds within 30 days of their approval.

Motion seconded by **David Walker**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – No
Vice Chair Win Winch –Yes

APPROVED:

(4-1)

ITEM 4

Proposal: Conditional Use: Home Occupation
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Michael Goyet
Location: 114 Portland Avenue, MBL: 104-1-28

Associate Planner Megan McLaughlin gave an update:

This proposal is for a Design Business in the finished basement with a separate entrance from their garage. There will not be any deliveries at their home. There is parking in the existing driveway for the business and they are proposing a small sign.

A couple of comments:

1. The property record card shows that the square footage of the dwelling is about 2,061 sf. and the home occupation cannot use more than 20% of the floor area of the dwelling unit which would be about 412 sf. Staff was recommending that a plan be submitted so that we can confirm that it is under that 412 sf.
2. The sign cannot exceed 2 sf. so staff required verification of the size of the sign and what would be on it.
3. Code Enforcement said that there was a shed that was placed in the Emerson Dr. right of way and a kitchen rehab that was done without securing permits. Need to have these issues resolved.

Mr. Goyet stated that the shed has since been removed.

Marc Guimond asked if there will not be any deliveries at the home, why is a sign required?

Mr. Goyet stated that he would only be using a small sign for fed-ex deliveries etc. but he stated that he doesn't actually need a sign. He stated that he usually goes to the client's home. The reason that he wants to move his business to his home is because they are hoping to get approval for an in law apartment for his mother and he would be able to be close to her.

MOTION:

David Walker made a motion to approve the Determination of Completeness and schedule a Public Hearing for next month, seconded by **Robin Dube**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

ITEM 5

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Michael Goyet
Location: 114 Portland Avenue, MBL: 104-1-28

Associate Planner Megan McLaughlin gave an overview:

1. There is going to be a small additional parking spot that will be located in front of the entrance and added on to the existing driveway. Staff requested information as to whether that parking lot will be located in front of the building or in front of the Accessory Dwelling unit.
2. The responses to the 5 Accessory Dwelling Unit Standards. One of the standards specifically states that the Accessory Dwelling Unit can only be served by one electrical meter and they had mentioned that they could have a second electrical meter. He would have to have that standard updated and be clarified in the response. They will have one meter with multiple service panels for emergency purposes.
3. There is an 11 ft. setback on the side and the setbacks in the Rural District are 25 ft. We need to make sure that it is

outside of the 25 ft. setback for the proposed addition.

Assistant Planner Megan McLaughlin stated that she will look into the setback issue internally to make sure it is in compliance. She also mentioned for the applicant to get in touch with the Code Office to make sure his kitchen rehab that was done without securing building permits is taken care of.

MOTION:

David Walker made a motion to schedule a site walk at 5:20 PM on December 6, 2018 and at that time we can look at any questions that we might have in regarding completeness, seconded by **Marc Guimond**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

ITEM 6

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: David and Deborah Walker
Location: 5 Winona Avenue, MBL: 321-5-3

Marc Guimond made a motion to approve that proposal is determined to be complete, seconded by **Robin Dube**. A Public Hearing is scheduled for next month. No sitewalk required.

VOTE:

Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(4-0)

ITEM 7

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Raymond and Linda Parent
Location: 2 Arbutus Avenue, MBL: 206-16-4

Associate Planner Megan McLaughlin stated that there was one question that Planner Jeffrey Hinderliter had about sharing a common entrance. He also recommended to have a site walk.

Owner Ray Parent introduced himself. The Accessory Dwelling will be on the lower level and will have bedroom, full bath and closet area. This will be for a short term rental.

David Walker mentioned that there will have to be a condition that states no short term rental (30 days or less) based on the “recommendation” by the Town Manager. These were new conditions that were just added on to all additional dwelling units recently. However it is the decision of the Planning Board whether or not to place those conditions on the project.

MOTION:

Marc Guimond made a motion to table this item to the December Planning Board Meeting pending more information from Town Planner Hinderliter, seconded by **David Walker**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

ITEM 8

Proposal: Site Plan Review: 40 x 60 Maintenance Building
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Seacoast RV Resort LLC
Location: 1 Seacoast Lane, MBL: 102-3-7

Bill Thompson, BH2M Engineers introduced himself. This proposal is for an amended site plan. He had submitted a completed application on October 22, 2018. This building is behind Site #22. There is a 1000 sf. barn that will be coming down. Net gain of about 1400 sf. of building footprint. Between the 2 sites there will be a 20 ft. graded driveway so there is access off of the end of the building. This will be a maintenance building for the Seacoast RV Park. Will not generate any additional traffic. It will be maintained and run by the owners. All of the grading will be outside of the 75 ft. stream setbacks. This development is allowed under a DEP Permit Exemption. Wright Pierce did a review and has their comments. Final plans need to be stamped by an engineer. They will have an oil/water separator in the building. This building will be set back 52 ft. from the side property line. There will be a paved driveway between the 2 units. They will review the side line with a fence and screening so that they adequately buffer the property line. There will be sewer and water. Mr. Thompson will respond to Wright Pierce comments.

MOTION:

Robin Dube made a motion of completeness, seconded by **Marianne Hubert**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

Site walk scheduled for 5:00 PM December 6, 2018.

ITEM 9

Proposal: Conditional Use: Addition to existing OOB Skatepark (Phase II)
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Town of Old Orchard Beach
Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6

Associate Planner Megan McLaughlin stated that there were some items that were listed in the memo that were outstanding. Staff received all of the items from Wright Pierce and everything has been addressed.

Recreation Director Jason Webber stated that they are very anxious to get this approved. They have had great success with the skatepark so far and have had no complaints or any issues. They met with the ballpark commission. In regards to parking, there is a waiver request that was submitted that the Board will vote on next month because the ordinance states that you cannot back out directly onto a town road. So they are just waiving that requirement. They are also moving the fence inward to give more room for the cars to be completely off of the road. They will also have no parking signs to make sure there is no parking on the corner or the other side. There will be a handicapped parking space. They will be putting in benches and shade canopies.

Robin Dube made a motion to determine the application complete, seconded by **Marc Guimond**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

Site walk scheduled for 5:40 PM December 6, 2018.

Other Business

1. **Vote on Revised Planning Board Procedures: Revised Meeting Time for the Regular Meeting from 7:00PM to 6:30PM, Add Sec. 7.4: Manner of Speaking, Change Submission Deadline from 14 Days to 17 Days.**

Marc Guimond made a motion to adopt the changes to the Planning Board procedures as read, seconded by **Robin Dube**.

VOTE:

David Walker- Yes
Robin Dube - Yes
Marianne Hubert - Yes
Marc Guimond – Yes
Vice Chair Win Winch –Yes

APPROVED:

(5-0)

2. **Sign Findings of Fact: 85 Cascade Road and 33 Dolphin Avenue**

Good and Welfare

Marc Guimond spoke about getting the location of the detention basins on the towns GIS.

More and more developments are using creative drainage solutions and a lot of them involve detention or retention ponds. If they are not maintained they stop working. A lot of these are private but even though they are private it impacts the town's drainage systems. So if this was noted on the towns GIS system it would alert town staff that it exists and they could look into the maintenance of it. He is concerned with looking for greater clarity and being able to monitor these basins. He also stated that all of the drainage systems need to be examined and is hoping that the Planning Board would be a participant.

Associate Planner McLaughlin said that Planner Hinderliter was working on this and he has had communications with the GIS consultant.

Marianne Hubert asked about the requirement of the multi sector requirement such as maintaining the stormwater system, inspect and approve them.

Associate Planner McLaughlin stated that they do this only if the project is over an acre and falls under our Post Construction Ordinance, then we get annual certifications.

She also mentioned that staff is hoping to have the Drainage Consultant come to the December Board Meeting with a presentation on the drainage study.

ADJOURNMENT 8:32 PM.

I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Nine (9) pages is a true copy of the original minutes of the Planning Board Meeting of November 8, 2018.

Valdine Camire